

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA

*Plaintiff,*

v.

0.98 ACRES OF LAND, MORE OR LESS,  
SITUATED IN HIDALGO COUNTY,  
TEXAS; AND PAMELA RIVAS,  
ET AL.,

*Defendant.*

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CASE NO. 7:08-CV-196

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**UNITED STATES' AND LANDOWNERS' JOINT RESPONSE TO THE DISTRICT  
COURT'S ORDER FOR A CASE STATUS UPDATE**

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**COMES NOW** the United States of America and Defendant, Pamela Rivas, by and through her attorney of record, David Garza (hereinafter "Landowner"), and in response to the District Court's September 4, 2012, Order to inform the Court on the status of the case; inform the Court of any impediment to resolving the case; and, the prospects of resolution in the near future aver as follows:

This condemnation action (7:08-CV-196) was initiated on June 28, 2008 (Docket No. 1 & 2). On July 1, 2008, the United States deposited \$5,500.00 in the Registry of the Court as its estimated just compensation for the acquisition (Docket No. 4). The United States and Landowners have not yet agreed on the amount of just compensation in this case. A related case (case number 7:08-CV-213) involving the same landowner for an adjacent tract was settled in March of 2012. Case number 7:08-CV-213, Docket No. 52.

Counsel conferred on October 2, 2012. Ms. Rivas and the United States request that no scheduling order be issued until after such time that the United States can consider the need to file an Amended Declaration of Taking and the parties have had a chance to negotiate the just compensation to be paid to the Landowners in this case. This process may take 180 days.

**WHEREFORE**, the United States and the Landowner's attorney, David Garza, pray the Court continue the suspension of deadlines in this matter pending the filing the Amended Declaration of Taking or other pleadings for at least 180 days

Respectfully submitted,

**FOR LANDOWNERS:**

Pamela Rivas

**FOR PLAINTIFF**

**KENNETH MAGIDSON**

United States Attorney

Southern District of Texas

*s/ David C. Garza (by permission)*

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